

Nadler Examines Civil Rights Violations within State and Local Immigration Enforcement

Thursday, 02 April 2009

WASHINGTON, D.C. — Congressman Jerrold Nadler (NY-08), Chair of the Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, and Congresswoman Zoe Lofgren, Chair of the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, today held a joint oversight hearing on “Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws.” The hearing focused on the Immigration and Customs Enforcement’s 287(g) program — which empowers non-federal law enforcement agencies to conduct immigration enforcement — and the wide-ranging allegations of racial profiling that it has engendered. Chief among the symbols of this problematic program is Sheriff Joe Arpaio of Maricopa County, Arizona, whose policing tactics have led to ongoing complaints of civil rights violations.

“Robust immigration enforcement is essential for securing our borders, but we must always wield this power responsibly, without depriving human beings of their civil rights, and consistent with the rule of law,” said Rep. Nadler. “The Sheriff Arpaio of the world cannot be granted carte-blanche to profile and round up people under the cover of immigration sweeps simply because some deputy thinks they ‘look foreign.’ Arpaio’s justice is vigilante justice at best, and at worst, it’s illegal, ineffective and cruel.”

The Subcommittees heard disturbing testimony from immigrants and U.S. citizens who have been arrested, interrogated or detained by state or local police authorities attempting to enforce immigration laws. Legal experts also testified about the problems inherent to this manner of law enforcement, citing the rise in racial profiling and tensions between police and the immigrant communities they are meant to serve.

Below is the full text of Rep. Nadler’s opening statement:

“Thank you, Madam Chairwoman. I am pleased to be able to join you in holding this hearing on the civil rights implications of state and local enforcement of federal immigration laws.

“This is the second joint hearing being held by the Constitution and the Immigration Subcommittees. That is significant, because we have received reports from around the country about law enforcement officials in some jurisdictions going beyond the law and engaging in abusive activities we had hoped were no longer found in this country. It is important that the law is enforced effectively. It is also important that the rule of law is respected by everyone, especially those charged with enforcing it.

“Unfortunately, it appears that, in their zeal to enforce our immigration laws, some local law enforcement officials have gone far afield, violating our civil rights laws, the constitution, and rights of U.S. citizens and non-citizens who are here legally. That’s not law enforcement, that’s a subversion of the law.

“We need to ask some very important questions today. Most importantly, is it appropriate to have local police enforcing the immigration laws, or is that federal function better left to the federal government? If it is appropriate, are federal dollars being spent correctly, with proper oversight, and within the requirements of the law?

“In some instances, we have seen a pattern and practice of violating people’s civil rights. Reports of widespread racial profiling, threats against the exercise of First Amendment rights, selective prosecutions, the abuse of arrestees and prisoners, among other problems, demand a careful investigation.

“We have witnesses here today who will tell some very compelling and disturbing stories. I hope the members of this Committee will pay careful attention. Whatever your views on immigration policy, I hope we can all agree that the police power does not give anyone the right to declare open season on anyone who may “look foreign” to someone. That’s not the American way. In fact, it’s illegal, and the federal government has a duty – just as we did when local law enforcement colluded with the Ku Klux Klan many years ago – to intervene and protect individual rights without fear or favor.

“I thank the distinguished Chairwoman, and I yield back the balance of my time.”